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10/656,874	09/08/2003	Benjamin Eisendrath	06975-325001 / Connectivi	8097
26171 7590 07/13/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WHIPPLE, BRIAN P	
			ART UNIT 2152	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/656,874

**Applicant(s)**

EISENDRATH ET AL.

**Examiner**

Brian P. Whipple

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/04, 10/17/06, 5/18/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-57 are pending in this application and presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 8-10, 12-21, 30, 36-37, 39-48, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, U.S. Patent No. 6,035,404, in view of Omshehe et al. (Omshehe), U.S. Publication No. 2002/0069172 A1.

4. As to claim 1, Zhao discloses a method for regulating network access (Abstract, In. 1-2), the method comprising:

receiving a request for network access for a user identity (Fig. 7, item 56; Col. 2, In. 25-26 and 43-45);

identifying the user identity for which the request is submitted (Col. 2, In. 25-26);

identifying one or more other user identities that are associated with the user identity (Col. 2, In. 33-45);

determining whether the other user identities that are identified as being associated with the user identity have network access contemporaneously with the received request (Col. 2, ln. 33-45);

Zhao is silent on identifying a type of connection that the user identity seeks to leverage if granted the network access requested;

determining types of connections used to obtain the network access by the other user identities that are identified as being associated with the user identity and determined to have network access.

However, Omshehe discloses identifying a type of connection that the user identity seeks to leverage if granted the network access requested ([0047], ln. 9-11 and 16-18; [0051], ln. 5-6 and 11-14);

determining types of connections used to obtain the network access by the other user identities that are identified as being associated with the user identity and determined to have network access ([0012]; [0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao by identifying a type of connection that the user identity seeks to leverage if granted the network access requested in order to inform the user that the connection was successful (Omshehe: [0047], ln. 9-11 and 16-18; [0051], ln. 5-6 and 11-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao by determining types of connections used to obtain the network access by the other user identities that are identified as being

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associated with the user identity and determined to have network access as taught by Omshehe in order to determine which users have a type of connection requiring licensing in order to track and manage the available number of licenses for the purposes of limiting connections to those permitted by a licensing agreement and in order to facilitate the proper compensation of the licensing entity (Omshehe: Abstract; [0012]).

It may be argued that Zhao discloses determining whether to grant the user identity the network access requested based on the type of connections that are identified as being associated with the user identity and determined to have network access (Col. 2, ln. 33-45).

On the other hand, Zhao may be seen as failing to disclose the type of connection if that is interpreted outside of merely the type of connection being whether or not users are connected to the network.

If so, Omshehe discloses determining whether to grant the user identity the network access requested based on the type of connections that are identified as being associated with the user identity and determined to have network access ([0012]; [0026]) similar to the limitations discussed as being disclosed by Omshehe above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao by determining whether to grant the user identity the network access requested based on the type of connections that are identified as being associated with the user identity and determined to have network access in order to ensure that a maximum number of connections has not been reached

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as the user(s) may not have paid for access above a maximum number of connections and thus the provider would not be properly compensated (Zhao: Col. 1, In. 28-52; Omshehe: Abstract; [0012]).

5. As to claim 2, Zhao and Omshehe disclose the invention substantially as in parent claim 1, including the user identity is a screen name (Zhao: Col. 2, In. 25-26; Omshehe: [0039]) and the network access is Internet access (Zhao: Col. 3, In. 38-41).

6. As to claim 8, Zhao and Omshehe disclose the invention substantially as in parent claim 1, including the other user identities associated with the user identity are other user identities that are associated with the same online service account as the user identity (Zhao: Col. 2, In. 21-24 and 41-45).

7. As to claim 9, Zhao and Omshehe disclose the invention substantially as in parent claim 1, including determining whether to grant access comprises applying a set of login rules to determine whether to grant access (Zhao: Col. 3, In. 33-35 and 41-48).

8. As to claim 10, Zhao and Omshehe disclose the invention substantially as in parent claim 9, including applying the login rules results in denying access if a maximum number of concurrent logins has been reached (Zhao: Col. 2, In. 41-45).

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9. As to claim 12, Zhao and Omshehe disclose the invention substantially as in parent claim 9, including the login rules limit the number of concurrent logins to a maximum number of concurrent logins for a predetermined amount of time (Zhao: Col. 2, ln. 46-51).

10. As to claim 13, Zhao and Omshehe disclose the invention substantially as in parent claim 9, including the login rules vary based on user identity (Zhao: Col. 3, ln. 56-62).

11. As to claims 14-16, the claims are rejected for the same reasons as claim 12 above.

12. As to claim 17, Zhao and Omshehe disclose the invention substantially as in parent claim 1, including determining whether to grant the user identity access comprises denying and further comprises sending an access denied message to be perceived by a user associated with the user identity (Omshehe: [0041]).

13. As to claim 18, Zhao and Omshehe disclose the invention substantially as in parent claim 17, including the access denied message is configured to be perceived by the user as a graphical display (Omshehe: [0041], ln. 8-10).

14. As to claim 19, Zhao and Omshehe disclose the invention substantially as in parent claim 17, including the access denied message includes information related to the reason why the access was denied (Omshehe: [0041], ln. 10-15).

15. As to claim 20, Zhao and Omshehe disclose the invention substantially as in parent claim 17, including the access denied message includes data related to the other user identities ([0040]; [0041], ln. 8-15; if the maximum number of licenses has been granted, a license unavailable message is returned, which is a message related to other user identities, as the access is denied due to a maximum number of other user identities obtaining a license for access).

16. As to claim 21, Zhao and Omshehe disclose the invention substantially as in parent claim 20, including the access denied message includes data related to the types of connections used by the other user identities ([0012]; [0026]; [0040]; [0041], ln. 8-15; the access denied message is related to the maximum number of licenses being granted; licenses are only granted to network users requiring licenses; thus the license unavailable message is due to the types of connections, those requiring licenses, of other user identities).

17. As to claims 30 and 57, the claims are rejected for the same reasons as claim 1 above.



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18. As to claim 36, the claim is rejected for the same reasons as claim 9 above.
19. As to claim 37, the claim is rejected for the same reasons as claim 10 above.
20. As to claim 39, the claim is rejected for the same reasons as claim 12 above.
21. As to claim 40, the claim is rejected for the same reasons as claim 13 above.
22. As to claim 41, the claim is rejected for the same reasons as claim 14 above.
23. As to claim 42, the claim is rejected for the same reasons as claim 15 above.
24. As to claim 43, the claim is rejected for the same reasons as claim 16 above.
25. As to claim 44, the claim is rejected for the same reasons as claim 17 above.
26. As to claim 45, the claim is rejected for the same reasons as claim 18 above.
27. As to claim 46, the claim is rejected for the same reasons as claim 19 above.
28. As to claim 47, the claim is rejected for the same reasons as claim 20 above.

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29. As to claim 48, the claim is rejected for the same reasons as claim 21 above.

30. Claims 3-7 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao and Omshehe as applied to claims 1 and 30 above, and further in view of Richmond et al. (Richmond), U.S. Patent No. 6,990,592 B2.

31. As to claim 3, Zhao and Omshehe disclose the invention substantially as in parent claim 1, and it may be interpreted that users operating in a networking environment must convey their e-mail or MAC addresses, but Zhao and Omshehe fail to explicitly disclose as much.

However, Richmond does explicitly disclose the user identity is a media access control address (Col. 28, ln. 41-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao and Omshehe by identifying a user using a MAC address as taught by Richmond in order to filter out undesired users based on MAC addresses (Richmond: Col. 28, ln. 41-61) as is extremely well known in the art.

32. As to claim 4, Zhao and Omshehe disclose the invention substantially as in parent claim 1, and it may be interpreted that the users operating in a networking environment must be using one of wireless, dial-up, DSL, or a cable modem connection, but Zhao and Omshehe fail to explicitly disclose as much.

However, Richmond does explicitly disclose the type of connection used by the user identity is wireless (Col. 5, ln. 37-47; Col. 25, ln. 13-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao and Omshehe by connecting a user through a wireless connection as taught by Richmond in order to eliminate the need for wires which limit mobility, but while still allowing a consistent configuration to be set for a user regardless of physical location (Richmond: Col. 5, ln. 37-47; Col. 25, ln. 13-22).

33. As to claim 5, the claim is rejected for the same reasons as claim 4 above.

34. As to claim 6, the claim is rejected for the same reasons as claim 3 above. Richmond discloses "MAC address and/or IP address" and the same logic applies as discussed above for claim 3 (Col. 28, ln. 41-61).

35. As to claim 7, the claim is rejected for the same reasons as claim 6 above. A network identity may be interpreted as an IP address.

36. As to claim 31, Zhao and Omshehe disclose the invention substantially as in parent claim 30, including the customer account data store and the system state data store are a single integrated data store (Zhao: Col. 2, ln. 46-51).

37. As to claim 32, the claim is rejected for the same reasons as claim 2 above.

38. As to claim 33, the claim is rejected for the same reasons as claim 3 above.

39. As to claim 34, the claim is rejected for the same reasons as claim 4 above.

40. As to claim 35, the claim is rejected for the same reasons as claim 5 above.

41. Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao and Omshehe as applied to claims 10 and 37 above, and further in view of Sakakura, U.S. Publication No. 2003/0046413 A1.

42. As to claim 11, Zhao and Omshehe disclose the invention substantially as in parent claim 10. It may be interpreted that Zhao and Omshehe disclose the concurrent logins comprise concurrent logins using the same type of connection as the type of connection used by the user identity to attempt to access the online service provider system. It may be read that when the user attempts to access the online service provider system, and the system checks for maximum logins, that inherently the system will include numerous other clients including ones using the same type of connection (Zhao: Col. 2, ln. 21-24 and 33-45). However, Zhao and Omshehe fail to explicitly disclose as much.

On the other hand, Sakakura explicitly discloses the concurrent logins comprise concurrent logins using the same type of connection as the type of connection used by

the user identity to attempt to access the online service provider system ([0057], ln. 26-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao and Omshehe by further identifying the concurrent logins as comprising concurrent logins using the same type of connection as the type of connection used by the user identity to attempt to access the online service provider system as taught by Sakakura as a physical device or devices inherently can only support a non-infinite number of devices connecting through a plurality of links ([0057], ln. 26-35).

43. As to claim 38, the claim is rejected for the same reasons as claim 11 above.

44. Claims 22-23 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao and Omshehe as applied to claims 17 and 45 above, and further in view of Franke et al. (Franke), U.S. Publication No. 2003/0195929 A1.

45. As to claim 22, Zhao and Omshehe disclose the invention substantially as in parent claim 22, including the access denied message (Omshehe: [0041]), but are silent on the message includes options configured to be selectable by the user.

However, Franke discloses the message includes options configured to be selectable by the user (Fig. 13; [0090]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao and Omshehe by including options in a message configured to be selectable by the user in order to correct an error in communicating with a system or avoid the error by ending communication (Franke: [0090]).

46. As to claim 23, the claim is rejected for the same reasons as claim 22 above. The option to avoid communicating with the system is limited access. There is no mirroring in the network for the user as a result of the option selected (Franke: Fig. 13; [0090]).

47. As to claim 49, the claim is rejected for the same reasons as claim 22 above.

48. As to claim 50, the claim is rejected for the same reasons as claim 23 above.

49. Claims 24 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, Omshehe, and Franke as applied to claims 23 and 50 above, and further in view of Banerjee et al. (Banerjee), U.S. Publication No. 2004/0122947 A1.

50. As to claim 24, Zhao, Omshehe, and Franke disclose the invention substantially as in parent claim 23, including limited network access (Franke: Fig. 13; [0090]), but are silent on network access for a limited duration of time.

However, Banerjee discloses network access for a limited duration of time ([0042], ln. 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao, Omshehe, and Franke by limiting network access to a limited duration of time as taught by Banerjee in order to control the amount of time an employee spends browsing non-job related web pages (Banerjee: [0008]).

51. As to claim 51, the claim is rejected for the same reasons as claim 24 above.

52. Claims 25-28 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, Omshehe, and Franke as applied to claims 22-23 and 49-50 above, and further in view of Gatz et al. (Gatz), U.S. Publication No. 2002/0049806 A1.

53. As to claim 25, Zhao, Omshehe, and Franke disclose the invention substantially as in parent claim 23, including limited network access (Franke: Fig. 13; [0090]), but are silent on limiting network access to exchanging communications with the other user identities.

However, Gatz discloses limiting network access to exchanging communications with the other user identities ([0014]; [0065]; [0075] – [0076]; the parent may block access to message boards, web pages, etc. and leave messaging as the only available service).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao, Omshehe, and Franke by limiting network access to exchanging communications with the other user identities as taught by Gatz in order to control to allow one user to control the communications of another user in order to prevent access to inappropriate content (Gatz: [0075]).

54. As to claims 26-27 and 52-54, the claims are rejected for the same reasons as claim 25 above.

55. As to claim 28, Zhao, Omshehe, Franke, and Gatz disclose the invention substantially as in parent claim 27, including granting network access to the user identity after denying network access to the other user identity (Zhao: Col. 2, ln. 46-51).

56. As to claim 55, the claim is rejected for the same reasons as claim 28 above.

57. Claims 29 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, Omshehe, and Franke as applied to claims 22 and 49 above, and further in view of Malik et al. (Malik), U.S. Publication No. 2004/0003084 A1.

58. As to claim 29, Zhao, Omshehe, and Franke disclose the invention substantially as in parent claim 22, including receiving an option selection from the user (Franke: Fig.



13; [0090]), but are silent on enabling the user to register for a network access service upgrade in response to the received option selection.

However, Malik discloses enabling the user to register for a network access service upgrade in response to the received option selection ([0052]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zhao, Omshehe, and Franke by enabling the user to register for a network access service upgrade in response to the received option selection as taught by Malik in order to enable a user to upgrade service as opposed to being denied access (Malik: [0052]), which benefits the service provider in that additional revenue is collected.

59. As to claim 56, the claim is rejected for the same reasons as claim 29 above.

### ***Conclusion***

60. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

61. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax

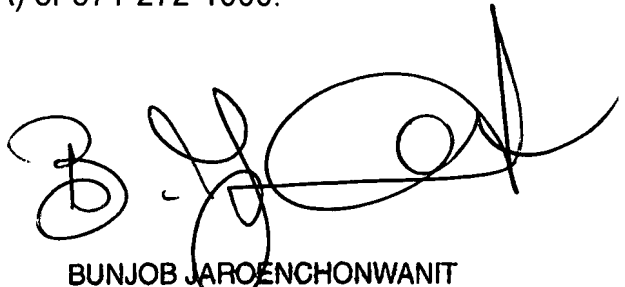
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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple  
6/21/07

  
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7/6/7